

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

932 BAIL APPLICATION NO.478 OF 2021

**MANJULABAI @ MANJIRI W/O. SUKHWAS SHINDE
VERSUS
THE STATE OF MAHARASHTRA**

...
Advocate for Applicant : Mr. Tripathi Manish P.
APP for Respondents/State : Mr. S.D. Ghayal
...

**CORAM : M.G. SEWLIKAR, J.
DATE : 1st September, 2021**

PC.:-

This is an application under Section 439 of the Cr.P.C. for releasing the applicant on bail in connection with Crime No.308/2020 under Section 395, 420, 397 of the I.P.C.

2. Prosecution case in nutshell is that informant is a Medical Practitioner. One Sunita is the patient of the informant. The said Sunita who is also an accused had called up the informant and told her that she had found gold in her field and whether the informant would like to purchase the same. The informant agreed to do so. Thereafter, on 24.12.2020 the informant, her husband, her uncle and others went to the place where the said Sunita had asked them to come. When the informant and others reached Selu, applicant and others came there. The informant showed them an amount of Rupees

One Lakh from her purse. The applicant and others assaulted them and robbed them of Rs.8,21,000/- including two mobile handsets of Oppo company. Applicant is alleged to be one of those assailants.

3. Heard Shri Tripathi learned counsel for the applicant and Shri Ghayal learned APP for the State.

4. Shri Tripathi argued that the applicant was not present at the spot of the incident. FIR shows that the main accused-Sunita and four other male persons were the assailants. As name or description of the applicant in the FIR is not found, she may be released on bail.

5. Learned APP Shri Ghayal submits that applicant has been identified in identification parade. He further states amount of Rs.2,10,000/- has been recovered from the applicant. Applicant is likely to commit similar kind of offence again. He states that offence under Section 307 of the I.P.C. has been registered against the applicant. Therefore, the applicant may not be released on bail.

6. Charge-sheet has been filed. It appears that the FIR does not mention presence of any woman at the spot. It only mentions presence of men. It is not the case of the prosecution that the applicant will not be available for the trial. She is having permanent residence at Jivaji Jawala, Tq.

Selu, District Parbhani. She is not likely to commit similar offence again. Offence registered against her is not of robbery or dacoity. Having regard to this and the applicant being a lady, I deem it appropriate to release her on bail by putting stringent conditions. Hence the following order is passed:

ORDER

- I) Application is allowed.
- II) Applicant be released on PR bond of Rs.60,000/- with one solvent surety in the like amount, in connection with Crime No.308 of 2020 under Section 395, 420, 397 of the I.P.C. registered with Selu Police Station, District Parbhani on condition that she will not leave the limits of Police Station Selu without the permission of the concerned Court.

[M.G. SEWLIKAR, J.]